

Message Text

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ACTION ARA-14

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-10 IO-14
L-03 NSAE-00 NSC-05 EB-08 NRC-07 OES-09 SOE-02
DODE-00 SS-15 SP-02 CEQ-01 PM-05 SAS-02 PA-02
ICA-20 /144 W
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R 071115Z SEP 78
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 8914
INFO USDOE WASHDC
AMEMBASSY BONN
AMEMBASSY BUENOS AIRES
AMEMBASSY THE HAGUE
AMEMBASSY VIENNA
AMCONSUL RIO DE JANEIRO
AMEMBASSY LONDON

UNCLAS SECTION 1 OF 2 BRASILIA 7005

USIAEA

E.O. 11652: N/A
TAGS: ENRG, MNUC, BR
SUBJECT: NUCLEAR ISSUE -- EXCHANGE OF NOTES BETWEEN BRAZIL AND
URENCO PARTNERS

REF: BRASILIA 6864

1. THE FOLLOWING IS AN INFORMAL TRANSLATION OF THE TEXT OF THE
GOB RELEASE CONTAINING THE TEXTS OF THE NOTES EXCHANGED ON 1 SEPT
1978 BETWEEN THE GOB AND THE URENCO PARTNERS, AS CARRIED IN
THE ESTADO DE SAO PAULO AND THE CORREIO BRAZILIENSE ON 2 SEPT:
BEGIN INFORMAL TRANSLATION: THE PRESENT AGREEMENT IS CELEBRATED
BY EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE FEDERATIVE
REPUBLIC OF BRAZIL AND THE GOVERNMENTS OF THE FEDERAL REPUBLIC
OF GERMANY, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
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IRELAND, AND THE KINGDOM OF THE NETHERLANDS. THE FOLLOWING IS THE
TEXT OF THE NOTES OF THE UNITED KINGDOM AND THE NETHERLANDS:
"EXCELLENCY. I HAVE THE HONOR TO REFER TO THE EXPECTED EXPORTS
TO BRAZIL OF URANIUM ENRICHED IN THE UNITED KINGDOM (IN
THE DUTCH NOTE, "IN THE KINGDOM OF THE NETHERLANDS") TO THE
TERMS OF THE CONTRACT BETWEEN URENCO AND NUCLEBRAS, AND TO
MAKE THE FOLLOWING RECORD OF THE THEME OF THE CONVERSATIONS

BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE FEDERAL REPUBLIC OF GERMANY, AND THE KINGDOM OF THE NETHERLANDS, AS PARTIES TO THE TRIPARTITE AGREEMENT OF 4 MARCH 1970, RELATING TO THE PROCESS OF GASEOUS CENTRIFUGATION FOR THE PRODUCTION OF ENRICHED URANIUM, AND THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL:

A. ANY SUCH EXPORTS, AS WELL AS ANY SUBSEQUENT GENERATIONS OF NUCLEAR MATERIALS PRODUCED FROM THE SAME, SHALL BE SUBJECT TO THE DISPOSITIONS, INCLUDING THOSE OF ARTICLE 2 WHICH COVERS NON-EXPLOSIVE USE, OF THE AGREEMENT BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL, THE FEDERAL REPUBLIC OF GERMANY, AND THE INTERNATIONAL ATOMIC ENERGY AGENCY, SIGNED IN VIENNA ON 26 FEBRUARY 1976.

B. ANY SUCH MATERIAL MAY BE EXPORTED OR RE-EXPORTED FROM THE TERRITORY OF BRAZIL ONLY WITH THE PREVIOUS CONSENT OF THE FEDERAL REPUBLIC OF GERMANY, AS A PARTY TO THE TRIPARTITE AGREEMENT OF 24 MARCH 1970: THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL WILL SEPARATELY OR TOGETHER WITH THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY NOTIFY THE INTERNATIONAL ATOMIC ENERGY AGENCY OF SUCH EXPORTS OR RE-EXPORTS, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 10, SUBPARAGRAPH (2) OF THE AGREEMENT BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL, THE FEDERAL REPUBLIC OF GERMANY, AND THE INTERNATIONAL ATOMIC ENERGY AGENCY, AND WILL SEND A COPY OF ALL SUCH NOTIFICATIONS TO THE GOVERNMENT OF THE UNITED KINGDOM.

C. THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND
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THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY, AS A PARTY TO THE TRIPARTITE AGREEMENT OF 4 MARCH 1970, WILL REACH AN UNDERSTANDING CONCERNING THE LEVELS OF PHYSICAL PROTECTION TO BE APPLIED TO THE ENRICHED URANIUM AND TO ANY SUBSEQUENT GENERATIONS OF NUCLEAR MATERIAL PRODUCED FROM THE SAME.

I HAVE, ALSO, THE HONOR TO RECORD THAT THE GOVERNMENTS OF THE FEDERATIVE REPUBLIC OF BRAZIL, THE UNITED KINGDOM, THE KINGDOM OF THE NETHERLANDS, AND THE FEDERAL REPUBLIC OF GERMANY AGREE TO WORK TOWARDS THE ESTABLISHMENT OF AN INTERNATIONAL ATOMIC ENERGY AGENCY REGIME FOR THE STORAGE OF PLUTONIUM, ON A NON-DISCRIMINATORY AND UNIVERSALLY-APPLICABLE BASIS, IN ACCORDANCE WITH ARTICLE XII-A-5 OF THE STATUTES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. THE FOUR GOVERNMENTS ALSO AGREE THAT IN THE EVENT AN IAEA REGIME DOES NOT APPEAR AVAILABLE WHEN THE FUEL ENRICHED BY URENCO IS READY FOR REPROCESSING IN BRAZIL, ANY PLUTONIUM OBTAINED FROM THAT FUEL ENRICHED BY URENCO AND REPROCESSED IN BRAZIL WILL BE STORED UNTIL IT CAN BE REGULATED

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BY SUCH A REGIME, WHICH WOULD THEN BE APPLIED IN ACCORDANCE
WITH AD HOC STORAGE ADJUSTMENTS AGREED TO BY THE FOUR
GOVERNMENTS AND BASED ON THE SAME PRINCIPLES OF ARTICLE
XII-A-5. THE FOUR GOVERNMENTS WILL INVITE THE IAEA TO
PARTICIPATE IN THE IMPLEMENTATION OF THESE AD HOC ADJUSTMENTS.

I HAVE THE HONOR TO REQUEST OF YOUR EXCELLENCY A CONFIR-
MATION THAT THE FOREGOING IS ACCEPTABLE TO THE GOVERNMENT
OF THE FEDERATIVE REPUBLIC OF BRAZIL, AND TO PROPOSE THAT THIS
NOTE, TOGETHER WITH YOUR EXCELLENCY'S REPLY TO THE SAME,
CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS, TO ENTER
INTO FORCE ON THE DATE OF YOUR EXCELLENCY'S REPLY. I PROPOSE
THAT COPIES OF BOTH NOTES BE SENT TO THE INTERNATIONAL ATOMIC
ENERGY AGENCY, TOGETHER WITH COPIES OF THE RESPECTIVE NOTES
EXCHANGED BETWEEN THE GOVERNMENTS OF BRAZIL, THE KINGDOM OF THE
NETHERLANDS, AND THE FEDERAL REPUBLIC OF GERMANY.

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I TAKE ADVANTAGE OF THE OPPORTUNITY TO RENEW TO YOUR
EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION."

THE NOTE OF THE FEDERAL REPUBLIC OF GERMANY IS IN SUBSTANCE THE SAME, EXCEPT FOR POINTS (A), (B), AND (C) OF THE NOTES OF THE OTHER TWO COUNTRIES, WHICH ARE COVERED IN THE AGREEMENT FOR COOPERATION IN PEACEFUL USE OF NUCLEAR ENERGY SIGNED BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL AND THE FEDERAL REPUBLIC OF GERMANY OF 27 JUNE 1975, AND BY THE AGREEMENT BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL, THE FEDERAL REPUBLIC OF GERMANY, AND THE INTERNATIONAL ATOMIC ENERGY AGENCY, ON APPLICATION OF SAFEGUARDS, OF 26 FEBRUARY 1976.

THE NOTES OF THE BRAZILIAN GOVERNMENT ACKNOWLEDGE RECEIPT OF THE NOTES OF THE THREE GOVERNMENTS, AND, IN REPLY, CONFIRM THAT THEIR CONTENT IS ACCEPTABLE TO THE FEDERATIVE REPUBLIC OF BRAZIL, AND IN ADDITION EXPRESS AGREEMENT TO THE PROPOSAL THAT THE NOTES OF THE THREE GOVERNMENTS AND THE BRAZILIAN NOTES IN REPLY SHALL CONSTITUTE AN AGREEMENT BETWEEN THE GOVERNMENTS, WHICH WILL ENTER INTO FORCE TODAY.

BRASILIA, 1 SEPTEMBER 1978. END INFORMAL TRANSLATION.

2. EMBASSY WOULD APPRECIATE RECEIVING COPIES OF OFFICIAL TEXTS IF AVAILABLE AFTER THEY ARE DEPOSITED WITH IAEA.
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